**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**

**and**
**THE HON'BLE SRI JUSTICE C.V.RAMULU**

**WRIT APPEAL NO. 1533 of 2004 AND WAMP No.3222 OF 2004 AND WAMPSR No. 107641 OF 2004.**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 05/08/2004 in WP No. 13087 OF 2004 on the file of the High Court.)

Between:

1 B.R.V.Prasad Rao, S/o.Late B.Narayana Rao,
H.No.73, HIG Phase II, KPHB Colony, Hyderabad.

2 V.Ramakrishna Murthy, S/o.Late V.Venkata Rao,
H.No.6-3-342, Sachivalayanagar, Hyderabad.

3 M.Satish, S/o.late M.Chandramouliswara Rao,
H.NO.MC-351, Malakpet Colony, Hyderabad.

..... APPELLANTS

AND

1. The Govt. of A.P., Housing (CH) Dept., Secretariat,
rep. by its Special Chief Secretary to Government, Hyderabad.

2.The Commissioner for Cooperation & Registrar of Coop.
Societies, A.P.Gruhakalpa Buildings, Nampally, Hyderabad.

3.The District Collector, Ranga Reddy District at Hyderabad.

4. The Joint Registrar / Dist. Coop. Officer, RR Dist.
AP Housing Board Complex, Nampally Station Road,
Hyderabad.

5.The Deputy Registrar/Divisional Coop. officer,
Hyderabad East Division, Ranga Reddy District at Hyderabad.

6 . The A.P.Secretariat Employees Coop. House Building Society Ltd., R.No.TBC 186, rep.by PIC, Designate/Sub-Divisional Coop. Officer Ibrahim Patnam, O/o.The Divisional Coop. officer
Hyderabad.(East) Division, Ranga Reddy District,
Hyderabad.

7. K.Kesava Rao, S/o.late K.Janardhan Rao,
H.No.S2-C-166, Sachivalaya Nagar, Hyderabad.

.....RESPONDENTS

**WAMP No.3222 of 2004**

Between:

1 B.R.V.Prasad Rao, S/o.Late B.Narayana Rao,
H.No.73, HIG Phase II, KPHB Colony, Hyderabad.

2 V.Ramakrishna Murthy, S/o.Late V.Venkata Rao,
H.No.6-3-342, Sachivalayanagar, Hyderabad.

3 M.Satish, S/o.late M.Chandramouliswara Rao,
H.NO.MC-351, Malakpet Colony, Hyderabad.

..... PETITIONERS/APPELLANTS

AND

1. The Govt. of A.P., Housing (CH) Dept., Secretariat,
rep. by its Special Chief Secretary to Government, Hyderabad.

2.The Commissioner for Cooperation & Registrar of Coop.
Societies, A.P.Gruhakalpa Buildings, Nampally, Hyderabad.

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Hyderabad.(East) Division, Ranga Reddy District,
Hyderabad.

7. K.Kesava Rao, S/o.late K.Janardhan Rao,
H.No.S2-C-166, Sachivalaya Nagar, Hyderabad.

.....RESPONDENTS

For the reasons stated in the accompanying affidavit filed in support of the W.A.M.P., the High Court may be pleased to grant leave to amend the prayer.

**WAMP (Sr.) No.107641 of 2004**

Between:

1 B.R.V.Prasad Rao, S/o.Late B.Narayana Rao,
H.No.73, HIG Phase II, KPHB Colony, Hyderabad.

2 V.Ramakrishna Murthy, S/o.Late V.Venkata Rao,
H.No.6-3-342, Sachivalayanagar, Hyderabad.

3 M.Satish, S/o.late M.Chandramouliswara Rao,
H.NO.MC-351, Malakpet Colony, Hyderabad.

..... APPELLANTS

AND

1. The Govt. of A.P., Housing (CH) Dept., Secretariat,
rep. by its Special Chief Secretary to Government, Hyderabad.

2.The Commissioner for Cooperation & Registrar of Coop.
Societies, A.P.Gruhakalpa Buildings, Nampally, Hyderabad.

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Hyderabad.(East) Division, Ranga Reddy District,
Hyderabad.

7. K.Kesava Rao, S/o.late K.Janardhan Rao,
H.No.S2-C-166, Sachivalaya Nagar, Hyderabad.

.....RESPONDENTS

For the reasons stated in the accompanying affidavit filed in support of the W.A.M.P. the High Court may be pleased to order amendment of the 6th respondent as under:

A.P. Secretariat Employees Coop. House Building Society Ltd., R.N.No.TBC 186, represented by PIC, Sri S Ramananda Swamy, Joint Registrar of Coop. Societies.

**Counsel for the Appellants:MR.D.V.BHADRAM**

**Counsel for the Respondent Nos.1to6: GP FOR COOPERATION**

**Counsel for the Respondent No.7: None appeared.**

**The Court made the following ORDER:**

**ORAL JUDGMENT:**

(per The Honourable Sri Devinder Gupta, the Chief Justice)

The challenge in the appeal is to the order dated: 5.8.2004 passed by the learned Single Judge disposing of the Writ Petition. In the Writ Petition Mandamus was sought to declare the order dated: 22.6.2004 passed by the 5th respondent as without jurisdiction being violative of the provisions of Section 32(7)(a) of the Andhra Pradesh Cooperative Societies Act 7 of 1964. Learned Single Judge declined to interfere in the Writ Petition on the ground that Mr. M.Prasad Rao had been appointed as Person-in-charge in order to ensure that elections take place for the society within four months. Another direction was issued to conduct election within four months. Before the order was passed by the learned Single Judge, on 3.8.2004, an order was passed by the Commissioner for Cooperation and Registrar of Cooperative Societies cancelling the appointment of Sri Prasad Rao and appointing Sri S.Ramananda Swamy in his place, which order was not under challenge in the Writ Petition, and, now, the said order is sought to be challenged.

On the cancellation of the appointment of M.Prasad Rao, the Writ Petition had become infructuous as on 5.8.2004, and, for that reason, Writ Appeal itself would not be maintainable and is dismissed as such. The amendment as prayed for cannot be allowed to permit the petitioners to challenge the order dated 3rd August, 2004 in the Writ Petition. With leave and liberty granted to the appellants to challenge the order dated 3rd August, 2004, the Appeal is dismissed as infructuous, making it clear that nothing stated in the order disposing of the Writ Petition will come in the way of the appellant questioning the legality and validity of the order dated 3rd August, 2004. No costs.

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DEVINDER GUPTA, C.J.

09.11.2004.

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C.V.RAMULU, J.

VR.

Note:

Issue cc by Friday.

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To

1. The Special Chief Secretary to Govt. of A.P., Housing (CH) Dept., Secretariat, Hyderabad.

2.The Commissioner for Cooperation & Registrar of Coop.

Societies, A.P.Gruhakalpa Buildings, Nampally, Hyderabad.

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Hyderabad.(East) Division, Ranga Reddy District,
Hyderabad.

7. Two CCs to Government Pleader for Cooperation, High Court Buildings, Hyderabad (OUT).

8. Two CD copies.